

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

|                                  |                                     |
|----------------------------------|-------------------------------------|
| <b>UNITED STATES OF AMERICA,</b> | )                                   |
|                                  | )                                   |
| <b>V.</b>                        | ) <b>CRIMINAL NO. 3:14-CR-00012</b> |
|                                  | )                                   |
| <b>ROBERT F. MCDONNELL</b>       | ) <b>JUDGE JAMES R. SPENCER</b>     |
| <b>MAUREEN G. MCDONNELL</b>      | )                                   |

**DEFENSE MOTION #3 – UNOPPOSED MOTION TO RESCHEDULE  
ARRAIGNMENT AND INITIAL APPEARANCE AND  
MEMORANDUM IN SUPPORT**

Defendant Robert F. McDonnell, by and through undersigned counsel, respectfully requests that the Court grant a one-week extension and reschedule the arraignment and initial appearance, currently set on January 24, 2014, to Friday, January 31, 2014. Mr. McDonnell's co-defendant, his wife Mrs. Maureen McDonnell, and counsel for the United States, do not object to this request and are available to appear in court on January 31. The Defendant's trial counsel in this case are Mr. John Brownlee of Holland & Knight LLP and Mr. Henry Asbill of Jones Day. Mr. Asbill is currently out of the country at a location with no airport, from which it would be extremely difficult and expensive for him to return prior to his scheduled return time of midnight on Friday, January 24. Because Mr. Asbill is a critical part of Mr. McDonnell's defense team, it is vital to the Defendant receiving a full and fair defense that Mr. Asbill be present at all hearings, including the arraignment and initial appearance.

Approximately six months ago, Mr. Asbill planned a fully prepaid trip to a location outside the United States for his wife's birthday. The travel and lodging for that trip was (and remains) entirely non-refundable. The travel is, moreover, unusually difficult. To return to Washington, D.C. travelers must take three airplane flights and a boat ride. Given the difficulty

of travel, it is highly unlikely that Mr. Asbill would be able to make it to Richmond by Friday morning. (For example, the first flight he would have to take, following a boat-ride, would be on a four-seat airplane that is generally booked far in advance.) And even if such travel were physically possible, there is no question that it would be extremely expensive.

Also, neither Mr. Asbill nor any other defense counsel had advance notice of yesterday's indictment. There was therefore no way that Mr. Asbill could have (as he would have) adjusted his schedule in advance.

Given Mr. Asbill's unavailability to attend the arraignment and initial appearance in this proceeding on January 24, undersigned counsel respectfully request that the Court extend those proceedings by one week (rescheduling both hearings to January 31) so that Mr. Asbill is able to attend. Mr. Asbill's attendance at the arraignment and initial appearance—where important determinations will likely be made and where critical schedules will be set—is essential.

Dated: January 22, 2014

Respectfully submitted,

/s/ John L. Brownlee

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*Counsel for Robert F. McDonnell*

**CERTIFICATE OF SERVICE**

I certify that on January 22, 2014, I caused to be served a true copy of the foregoing via electronic email on the following individuals:

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Dated: January 22, 2014

Respectfully submitted,

/s/ John L. Brownlee

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*Counsel for Robert F. McDonnell*

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**ROBERT F. MCDONNELL**          ) **JUDGE JAMES R. SPENCER**  
**MAUREEN MCDONNELL**           )  
  )

**[PROPOSED] ORDER**

Upon consideration of Defendant Robert F. McDonnell's Unopposed Motion to reschedule the arraignment and initial appearance, currently set on January 24, 2014, to Friday, January 31, 2014, it is hereby

**ORDERED** that the Motion is **GRANTED**.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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James R. Spencer  
United States District Judge